



Crl. O.P(MD) NO. 21595 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 21595 of 2025

Rajkumar @ Sathish

... Petitioner

Vs

State of Tamilnadu
Rep by Inspector of Police,
Jeeyapuram AWPS,
Trichy District.
Crime No.32 of 2020.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the entire records pertaining to the order passed by the Sessions Judge, Mahila Court, Trichy in Crl.M.P.No.2077 of 2025 in Special S.C.No.110 of 2020 dated 31.10.2025 and set aside the same.

For petitioner :Mr. M.Pitchai Muthu

For Respondent :Mr.S.Ravi
Additional Public Prosecutor



WEB COPY



Crl. O.P(MD) NO. 21595 of 2025

ORDER

Challenging the order passed by the Sessions Judge, Mahila Court, Trichy in Crl.M.P.No.2077 of 2025 in Special S.C.No.110 of 2020 dated 31.10.2025, this Criminal Original Petition is filed.

2. The petitioner had filed a petition under Section 311 of the Code of Criminal Procedure before the learned Trial Court to recall P.W. 2/victim for further cross-examination and the same was dismissed on 21.09.2025. Hence, the petitioner had filed another petition to recall P.W. 2 for further cross-examination claiming that without any valid reason and without application of mind the said petition was dismissed. However, the same was also dismissed on 31.10.2025, against which the present petition is filed by stating that the victim was not properly cross-examined on 02.09.2022.

3. The learned counsel for the petitioner submitted that without any application of mind, the learned Trial Court dismissed the petitions filed by the petitioner and in order to safeguard the rights of the accused and to



Crl. O.P(MD) NO. 21595 of 2025

come to the right decision, it is necessary to reconsider the earlier order of dismissal and permit the petitioner to recall P.W.2 and it is only on that guise, the second petition for recalling P.W.2 came to be filed.

4. The learned Additional Public Prosecutor, Mr.S.Ravi, pointed out that in Section 33(5) of the POCSO Act, 2012, it has been mandated that the Special Court shall ensure that the child is not called repeatedly to testify in the Court.

5. This Court has heard both sides and perused the materials available on record.

6. By filing a recall petition for the second time, the petitioner is actually intending to testify the victim again and again and rightly observing the same, learned Trial Court had dismissed the application. Hence, I do not find any infirmity in the said order and the same is confirmed.



Crl. O.P(MD) NO. 21595 of 2025

7. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

01.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Sessions Judge,
Mahila Court,
Trichy

2. The Inspector of Police,
Jeeyapuram AWPS,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl. O.P(MD) NO. 21595 of 2025

L.VICTORIA GOWRI,J

apd

Crl O.P.(MD) No. 21595 of 2025

01.12.2025